

**REMARKS**

In the Office Action the Examiner noted that claims 14-26 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 14 and 25 have been amended. No new matter has been presented. Thus, claims 14-26 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**Claim Rejections Under 35 USC §103**

On pages 3-7 of the Office Action the Examiner rejected claims 14-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,738,625, issued to Oom et al. (hereinafter referred to as "Oom") in view of U.S. Patent No. 6,912,390, issued to Andersson et al. (hereinafter referred to as "Andersson"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As discussed in the previous Amendment, Oom does not disclose or suggest a first device of a first hierarchy administering physical resources for a data transmission to user equipment, and providing a connection interface to the user equipment. Rather, Oom apparently discloses that the base stations 110 provide a radio connection with the user equipment 120, and the RNCs 115 administer the resources (Figure 2).

The Examiner acknowledged in the current action that Oom does not disclose the features discussed above. However, the Examiner alleged that Andersson discloses administering physical resources for a data transmission to user equipment by a first device at a first hierarchy within the hierarchical network architecture, with the first device providing a connection interface to the user equipment (citing Column 9, Line 66 through Column 10, Line 7 of Andersson). The Examiner alleged that the first radio network control node serves as a serving radio network control (SRNC) node, and the second radio network control serves as a drift radio network control (DRNC) node for the radio connection with the user equipment unit (citing Column 5, Lines 11-24 of Andersson).

However, the Applicants respectfully submit that Andersson merely discloses a radio access network (RAN) that is based on the well known standard UMTS architecture of the radio access network (Column 1, Lines 30-45; Column 2, Line 66 through Column 3, Line 5; Column 3, Lines 29-37; Column 3, Lines 57-59; etc.). In this well known standard, it is the radio network controller (RNC) that is "responsible for handling radio resource management for the cells in the

base stations" (Column 3, Lines 57-59). The base station, which provides an interface to the user equipment at the physical layer, thus has not means for administering physical radio resources.

Further, while there is a connection per se between the RNC and the user equipment in the architecture disclosed in Andersson, there is no physical connection interface between the radio network controller (assuming the Examiner's characterization of the radio network controller as the recited first device in claim 14, for example) and the user equipment. Rather, in the architecture disclosed in Andersson, the connections between the RNC and the user equipment are only present at higher layers, and not at the physical layer.

Therefore, the Applicants respectfully submit that neither Oom nor Andersson, taken either alone or together, disclose or suggest the recited features of claims 14 and 25 of the present application as previously presented. However, in order to more clearly recite the features of these claims, claims 14 and 25 have been amended to recite the physical connection by the first device (in claim 14, or low level device in claim 25) to the user equipment. Thus, the Applicants respectfully submit that claims 14 and 25 patentably distinguish over the cited references.

Claims 15-24 depend from claim 14, and claim 26 depend from claim 25. These dependent claims include all of the features of the respective claims upon which they depend, plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 15-24 and 26 also patentably distinguish over the cited references.

On page 7 of the Office Action the Examiner rejected claims 24 and 26 under 35 U.S.C. §103(a) as being unpatentable over Oom and Andersson in view of U.S. Patent Application Publication No. 2002/0193118, issued to Jain et al. (hereinafter referred to as "Jain"). The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

As discussed in the previous section of this Amendment, independent claims 14 and 25 patentably distinguish over Oom and Andersson. Further, as Jain apparently merely discloses controlling a transmission of data packets in a packet data transmission system, Jain does not cure the deficiencies of Oom and Andersson in relation to claims 14 and 25. Thus, as claims 24 and 26 depend respectively from claims 14 and 25, and include all of the features of those respective claims plus additional features which are not disclosed or suggested in the cited references, it is respectfully submitted that claims 24 and 26 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claims 14 and 25 have been amended. No new matter has been presented. Thus, claims 14-26 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Thomas L. Jones  
Thomas L. Jones  
Registration No. 53,908

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501